



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 9, 2020

**By Email and ECF**

Hon. Richard M. Berman  
United States District Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Edwin Alamo, Jr.*, 19 Cr. 640 (RMB)**

Dear Judge Berman:

The Government writes to request, with the consent of defense counsel, that the Court issue an order excluding time between May 7, 2020, and May 20, 2020, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

On April 7, 2020, a status conference was scheduled for May 7, 2020.

On May 3, 2020, defense counsel requested, via email to the Court, that the May 7 conference be adjourned to May 8, 2020, or any day the following week. Defense counsel stated, in the same email that “[w]e consent to the exclusion of time until the adjourned date.” The Court responded via email adjourning the May 7 conference to May 12, 2020, requesting defense counsel advise if the defendant would be waiving his appearance for the May 12 conference. The Court did not formally issue an order adjourning the May 7 conference or rule on the defense counsel’s consent to the exclusion of time.

On May 7, 2020, defense counsel advised the Court that he had not obtained consent from the defendant to waive the defendant’s appearance for the May 12 conference. Consequently, yesterday, May 8, 2020, the Court further adjourned the May 7 conference to May 20, 2020, at 12:00 p.m. to ensure the defendant’s appearance or his knowing waiver of appearance.

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Honorable Richard M. Berman, U.S.D.J.

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The Government therefore requests the Court issue an order excluding time between May 7, 2020, and May 20, 2020, further to defense counsel's email request for an adjournment and consent to an exclusion of time on May 3, 2020 (as applied to the time between May 3, 2020, through May 8, 2020), and further to the request contained herein (as applied to May 9, 2020, through May 20, 2020). The Government respectfully submits that the proposed exclusion would be in the interest of justice in light of the COVID-19 pandemic and its resulting limitations on court appearances and the ability of defense counsel to meet with his client, and to allow the parties to engage in discussions regarding a potential pretrial resolution of this matter.

Respectfully yours,

GEOFFREY S. BERMAN  
United States Attorney

By: /s/ Daniel H. Wolf  
Assistant United States Attorney  
(212) 637-2337

cc: Bennett Epstein, Esq. (via ECF and email)

Application granted.	
Time is excluded pursuant to the Speedy Trial	
Act for the reasons set forth in this letter.	
SO ORDERED:	<i>Richard M. Berman</i> Richard M. Berman, U.S.D.J.
Date: 5/12/2020	